

HEALTH DEPARTMENT

The 24th February, 1976

No. 1960-2HBII-76/8101.—In partial modification of Haryana Government Notification No. 5311-2HBII-75/20790, dated the 9th July, 1975, the Governor of Haryana is pleased to appoint with immediate effect Smt. Sharda Rani, State Minister for Home and Health as member of the Advisory Council for Shri Krishna Ayurvedic College and Hospital, Kurukshetra, in place of Shri B. D. Gupta, Chief Minister, Haryana.

M. SETH, Commissioner and Secy.

SOCIAL WELFARE DEPARTMENT

The 9th March, 1976

No. 575-SW4-76/5158-A. —The Governor of Haryana is pleased to constitute a Sub-Committee for assessing the market price of Plot No. 3 near Kalyan Kendra, Panipat consisting of following members :—

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|-----------------------------------------------------------------|----|------------------|
| 1. Sub-Divisional Officer (C), Panipat | .. | Chairman |
| 2. District Industries Officer, Panipat | .. | Member |
| 3. Executive Engineer, P.W.D., B. & R. Branch, Panipat | .. | Member |
| 4. Deputy Director (Relief), Social Welfare Department, Haryana | .. | Member-Secretary |

The functions of this Committee will be as under :—

- (i) The Sub-Committee will assess the market price of present Plot No. 3 and will submit report about present market price of adjoining land of the above plot; and
- (ii) The Sub-Committee will submit its report up to 31st March, 1976 to the Director, Social Welfare, Haryana.
2. The term of the Committee will be up to 30th June, 1976.
3. The Headquarter of the Committee will be at Panipat.
4. The expenditure involved shall be debitable against the budget allotment under the head *288—Social Security and Welfare—D—Social Welfare—iv—Welfare of Poor and Destitutes—iv—Anti-Beggary Programme.
5. This issues with the concurrence of the Finance Department conveyed, — *vide* their U. O. No. 546-3FGII-76, dated nil.

M. SETH, Commissioner and Secy.

INDUSTRIES DEPARTMENT

The 11th March, 1976

No. 1259-5IB(II)-76/7914.—In exercise of the powers conferred by rule 10 of Punjab Boiler Attendants (Haryana First Amendment) Rules, 1971, the Governor of Haryana is pleased to nominate Shri K. C. Srivastava, Assistant Manager (Quality Control), Bharat Steel Tubes Ltd., Ganaur, as a member of Board of Examiners, for the Haryana State, in place of late Shri Ishwar Nath, formerly Resident Engineer, Dalmia Dadri Cement Factory, Charkhi Dadri whose name was notified in the Haryana Government Gazette, — *vide* notification No. 8043-5IBII-74/44563, dated 17th January, 1975.

M. C. GUPTA, Commissioner and Secy.

LABOUR AND EMPLOYMENT DEPARTMENT

Order

The 2nd March, 1976

No. 2340-7Lab-76/6029.—In exercise of the powers conferred under para 27-A of the Employees Provident Fund Scheme 1952 framed under the Employees Provident Funds and Family Pension Fund Act, 1952, the Governor of Haryana hereby exempt with effect from 1st February, 1975 the employees (office staff only) who are entitled to the benefits of Somany Provident Fund Institution of M/s Somany

Pilkingtons Ltd., P. O. Kasaar, District Rohtak (Haryana) from the operation of provisions of the Employees Provident Fund Scheme, 1952 subject to the conditions as follows :—

1. The employer shall in respect of such class of employees maintain such account, submit such returns, provide such facilities for inspection, pay such inspection charges as the Central Government may direct from time to time.
2. The employer shall make an investment of Provident Fund accumulations in the manner as directed by the Central Government from time to time.
3. The Provident Fund Rules of the factory shall not be amended without the previous approval of the Regional Provident Fund Commissioner.
4. The exemption hereby granted may be withdrawn for breach of any of the above conditions of any of the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 and the Scheme, made there under, or for any other sufficient cause which may be considered appropriate.

P. P. CAPRIHAN,
Commissioner and Secy,

LABOUR DEPARTMENT

The 23rd February, 1976

No. 1797-4Lab.-76/5185. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s. Hissar Textile Mills, Hissar.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 105 of 1970

between

The workmen and the management of M/s. Hissar Textile Mills, Hissar.

AWARD

By order No. ID/HR/29-E/69/12426, dated 28th April, 1970, the Governor of Haryana referred the following dispute between the management of M/s. Hissar Textile Mills, Hissar and its workmen to this Labour Court in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the dismissal of Shri Dilbar Dass was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Court in response of the usual notices of reference sent of the management and filed their pleadings giving rise to the following issues :—

- (1) Whether the order of reference is invalid because the workmen of the respondent mill have not espoused the cause of the claimant Shri Dilbar Dass ?
- (2) Whether the order of reference is illegal because the reference was first made to the Labour Court, Faridabad against which the management went up in Writ and the proceedings were stayed pending the writ and the writ has not been disposed of ?
- (3) Whether the dismissal of Shri Dilbar Dass was justified and in order ? If not, to what relief is he entitled ?

I have heard the authorised representative for the management and carefully gone through the written argument submitted by the workmen. I decide the issues as under :—

Issues Nos. 1 and 2.—The pleas giving rise to these issues were not pressed before me by the management. I as such decide both these issues against the management.

Issue No. 3.—The workman was admittedly dismissed from service on a charge of his having refused to clean the air compressor Defusers as ordered by Shri Roop Lal Humidity Attendant and Shri K. N. Singh, Shift Officer on 26th July, 1967 at 9 P.M. and his having refused to leave the Mills thereafter till 11 P.M. despite being directed to do so.

The management relied upon an enquiry held against the workman in respect of the charges of mis-conduct levelled against him, in order to prove this issue. They examined Shri J. P. Sangal, their Industrial Relations Officer, M. W. 1, appointed by the management as an Enquiry Officer. He deposed that he being appointed as an Enquiry Officer to hold an enquiry against the workman into the charge-sheet, dated 1st August, 1967, Exhibit M. 1, —vide letter dated 12th August, 1967, Exhibit M. 3, called upon the workman to take part in the same. He added that he held the enquiry in presence of the workman with full opportunity given to him to cross-examine the witnesses for the management and adduce his defence evidence. He duly proved the record of the enquiry Exhibit M. 4, pages 1 to 61 as having been correctly and faithfully prepared. He stated that the workman signed each page of the record of the enquiry and a copy of the proceedings of every date of hearing was supplied to him and that he was given full opportunity to get him represented through some of his co-workman. He added that he made his report, Exhibit M. 5, dated 13th March, 1968.

The workman Shri Dilbar Dass appeared as his own witness and set up a case that he was not liable to obey the order of Shri Roop Lal and that an amicable settlement had been arrived at orally between him and the General Manager with the intervention of one Shri B. R. Tayal, whereby the management had agreed to withdraw the charge-sheet. He gave out that he wanted to examine certain witnesses to prove the settlement but was not allowed to do so by the Enquiry Officer.

The workman however did not make any allegation either in the statement of his claim or before the Enquiry Officer in respect of his non-liability to obey the order of Shri Roop Lal and this led to a conclusion that the case as set up by him in his statement, dated 7th August, 1975, in this connection has no force. He on the other hand categorically admitted that he did not take the plea of want of authority of Shri Roop Lal to order him to clean the Defusers. He further admitted that he had been cleaning the Defusers whenever he was put on day duty and that he could be asked to be put on duties of cleaning the Defusers as a Fitter Bandhani, if he had not been put on duties of Pump Attendant according to the duty chart. He however explained that he could not legally be put on any of the duties by any of the officer of the management after he had been put on duty as Pump Attendant. He did not deny that he was asked to clean the Defusers by Shri K. N. Singh, Shift Officer nor did he state that Shri Singh had no authority to make such an order. His statement taken as a whole alongwith his failure to take up the plea of want of authority of Shri Roop Lal to order him to clean the Defusers, before the management or before the Enquiry Officer led to a conclusion beyond doubt that the plea set up by him in his statement is an afterthought and has no merits. It would be interesting to note that the workman is found to have denied the allegations of his having refused to obey the order of Shri Roop Lal or Shri Singh, in the reply, Exhibit M. 2, of the charge-sheet submitted by him and the plea now taken by him in the statement that he was not liable to obey Shri Roop Lal while implicitly admitting his refusal to obey him is obviously inconsistent. He can not as such be relied upon for any matter stated by him.

As regards the alleged settlement pleaded by him in his statement, dated 7th August, 1975, he admitted that he was not present at the time of the settlement. The order of the Enquiry Officer of his declining to summon the witness for proving the settlement as found disclosed by the proceedings of the enquiry, cannot in any way be said to be unjust rendering the enquiry vitiated, as the question of settlement could be decided by the management only and this matter was beyond the scope of the enquiry entrusted to Shri Sangal.

I have carefully gone through the proceedings of the enquiry and the enquiry report and do not find the principle of natural justice violated by the Enquiry Officer. I on the other hand believed that full opportunity was granted to the workman to participate in the enquiry and the enquiry as such cannot be said to be vitiated.

The charge-sheet served on the workman on behalf of the General Manager cannot in any way be said to be faulty.

No other point being put forth before me in support of the plea of the illegality of the enquiry, I rely on the statement of Shri Sangal and hold the enquiry proper, just and legal in all respects. It has not been denied that refusal to obey the lawful orders by the workman falls within the definition of the mis-conduct as given in clause 33(1) and (14) of the Certified Standing Orders of the respondent, Exhibit M. 4. I, therefore, decide this issue in favour of the management.

The result is that the order of dismissal of the workman by the management is justified and the former is not entitled to any relief. I accordingly answer the reference while returning the award in terms of my findings made above.

Dated the 9th February, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 418, dated the 14th February, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana,
Rohtak.